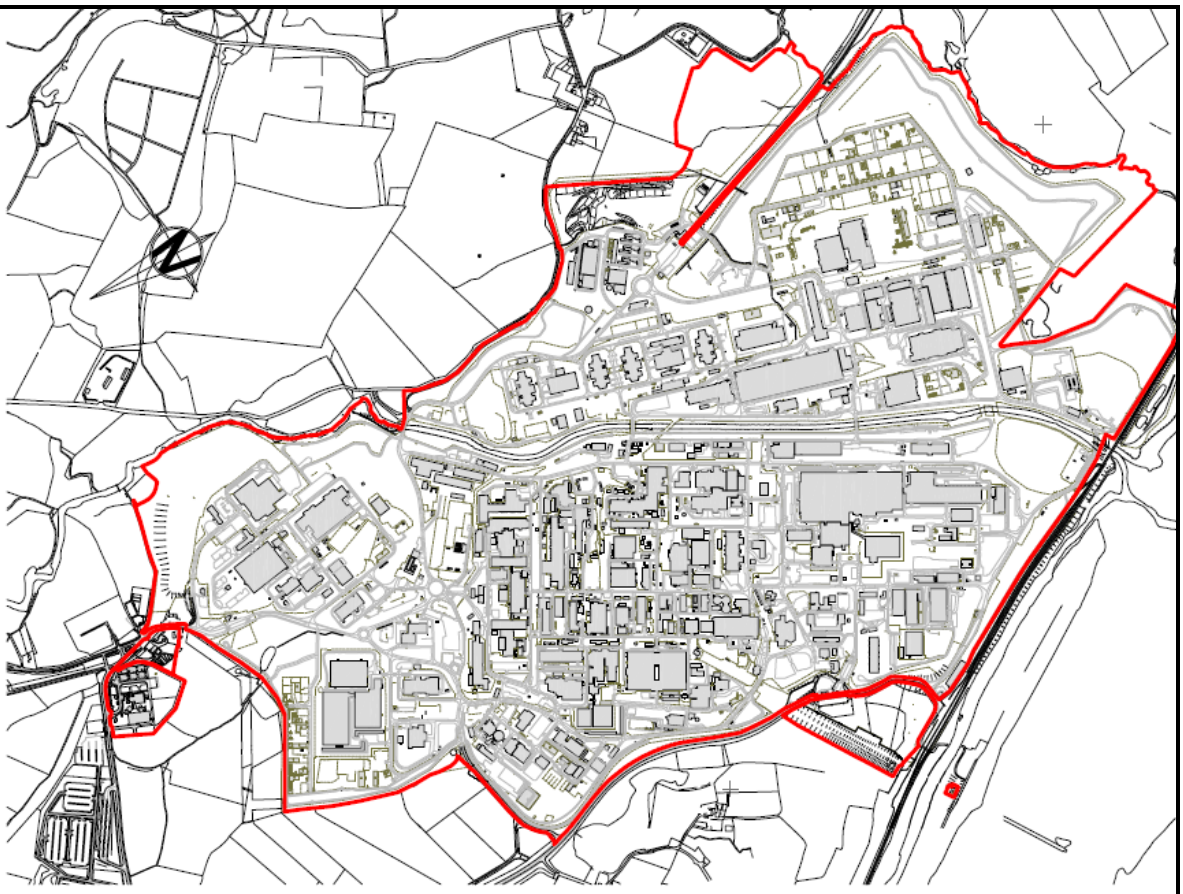
To: PLANNING PANEL	Development Control Section
Date of Meeting: 07/07/2021	

Application Number:	4/21/2152/0F1
Application Type:	Full : CBC
Applicant:	Sellafield Ltd
Application Address:	SELLAFIELD SITE, SEASCALE
Proposal	ERECTION OF A CNC OPERATIONAL UNIT
Parish:	Ponsonby, Seascale, Beckermet with Thornhill
Recommendation Summary:	Approve (commence within 3 years)



Reason for Determination by Planning Panel

The application is brought for consideration by Members of the Planning Panel as the Planning and Place Manager considers it to be of sufficient importance in planning terms to refer to the Planning Panel for determination.

Introduction

A major application seeking full planning permission for a new building and associated facilities on the Sellafield Site to provide an operational hub for the Civil Nuclear Constabulary (CNC).

Site and Location

Sellafield is an existing licensed nuclear site situated on the west coast of Cumbria. It is highly industrialised covering an area of approximately 6km square and accommodating

over 1300 buildings of varying sizes. Vehicular access is via the A595T at Blackbeck, Calderbridge and Seascale.

Whilst the site does not benefit from any sensitive designations it is situated circa 3km away from the boundary of the Lake District National Park to the east which is a UNESCO World Heritage site.

The application site lies within the Sellafield site licensed nuclear boundary on an elevated platform within the North Group Area. It comprises sloping land previously occupied by offices and laboratories which is currently vacant and laid to concrete slab and hardstanding. The existing ground level rises in a series of plateaus from its lowest level in the west rising 5m to the eastern side of the site. The site is surrounded by a mixture of industrial buildings, infrastructure and offices. Adjacent is a construction laydown area.

Proposal

It is proposed that the CNC Operational Unit will be a purposely designed deployment facility which will provide the capabilities that CNC need to maintain the security of the Sellafield site.

In terms of scale the site measures some 5.280 square metres in area and is rectangular in shape.

The application is accompanied by the following documents:

- Design and Access Statement
- Phase 1 Habitat Survey and Addendum
- Construction Environmental Management Plan
- Construction Method Statement, Transport and Waste Plan
- Planning Statement
- Visual Impact Assessment
- GeoEnvironmenrtal Desk Study
- Contamination Assessment and Addendum

The development will comprise a main building two/three storeys high partly built into the embankment owing to the site`s sloping topography. This will be flanked by single storey ancillary buildings (a garage and kennels) and an upper level car park to provide for operational response vehicles. A new access road and visitor parking will be provided to the front with a separate access for the car park to the rear.

In detail the proposal comprises four key elements:

- Main CNC Building
- Garage
- Kennels
- Operational Car Park and new access

Due to the rising nature of the site there are two distinct levels to accommodate the facility. The lower level and the upper level.

Main CNC Building

This building will be centrally located on the site, it straddles both lower and upper levels and is set into the existing slope. In terms of scale it will be rectangular in form and measure some 58m by 29m with a maximum height of 15.8m to the parapet of the mono pitched roof. It will provide accommodation over 2.5 levels.

Proposed external materials include an aluminium clad roof in Kalzip with a silver/grey stucco embossed finish. Although this is reflective it will only be used on the roof and it must be noted that this material has been successfully used on other buildings on the Sellafield site. The walls will be clad in polyester powder coated insulated metal panels in mid to light grey. Below the DPC and areas forming retaining walls the building will be faced with blue engineering brick. Doors and windows will be of powder coated aluminium.

The main entrance to the building is situated on the lower level (lower ground floor) which will be used as the access for visitors and is also the level for deliveries to the site and access to the garage building. The upper level (ground and first floor) provides specific accommodation only for operational CNC staff and access to the building for them from the operational car park.

Garage

Adjacent to the main building will be the detached garage on the lower level of the site. It will be linked via a shared external staircase to the main building.

In terms of scale the proposed Garage building will measure 7.2m in height to the parapet of the flat roof with a footprint of some 170m² (19.8m x 8.7m). Alike the main building the garage is set into the embankment. The roof will accommodate a plant area, housing air sourced heat recovery units.

Constructed of blue engineering brick the garage will be clad in polyester powder coated insulated metal panels in mid to light grey. It also has powder coated aluminium louvres above each vehicular aluminium roller shutter door.

It will be used to accommodate some existing operational vehicles and a maintenance area.

Access to the garage will be via the lower level of the site by four roller shutter vehicular doors and two pedestrian entrances. An external staircase to the upper level of the site will provide access to the rooftop plant. This staircase will be shared by the garages and the main CNC building.

Kennels

A block of 6 individual kennels is proposed sited adjacent to the north side of the main building on the opposite side to the garage.

The proposed kennels will measure 3m in height each with a footprint of approx. 1.7m x 3.2m. These are to be located within 4m x 7.2m enclosed areas within an overall footprint of approx. 25m x 7.2m.

They will be constructed of blue engineering brickwork with mesh fencing above and to the side. Each individual entrance to the kennels will also comprise mesh panels.

Access to them will be by foot via a series of new external staircases. The staircases are designed to accommodate the levels and span from -4.00m level, up the slope to the rear of the building at +4.00m level.

Operational car park and new access

A new access road will be created to the front and lower level of the site. This leads off the existing internal site road at the North West corner of the site and will provide direct access to the visitor car park, the garage, as well as for site deliveries.

Access for pedestrians will be via a Lower level footpath adjacent to the new road, leading to the main entrance. Adjacent to this will be 2 visitor spaces and 2 accessible spaces. Directly opposite will also be 3 vehicle spaces for dog handler vehicles.

The operational car park will be created on the upper level to the South eastern side of the main building with a new vehicular access directly to it. This car park will provide 27 spaces for operational CNC vehicles.

No other new car parking spaces will be provided. All the operational staff are already located within the Sellafield site and there is no provision for personal staff parking on site. CNC personnel utilise the existing car parks and modes of transport to the site, including park & ride and the on-site shuttle bus services.

Need for the Facility

The Civil Nuclear Constabulary (CNC) has a statutory duty to protect the UK by maintaining a 24/7-armed policing response at civil nuclear sites. Their role includes having a significant presence at Sellafield to protect the Nuclear Licensed Site and the nuclear materials that are managed and stored there. Maintaining the safety and security of the Sellafield site is paramount.

CNC currently operate from several old and out-of-date buildings that are in various locations within the Sellafield site, this results in operational and cost inefficiencies which supports the need for a new central facility.

The new operational hub will be required for many decades and is being designed to ensure that it is fit-for-purpose for the future and has the capability to respond to evolving security threats. Fundamental to the design of the building is the requirement to enable rapid and effective operational deployment to protect the site i.e. to facilitate effective handovers at shift changeovers and to equip and deploy armed police officers ready for duty on the Sellafield site. The facility has been designed to provide essential requirements only and these have determined the size and function of the building.

Construction

In terms of timescale it is the intention that work on the facility will commence with site clearance, land preparation and earthworks at the end of July this year. Construction is planned to begin at the end of September/early October 2021 with completion by the end of June 2023.

A site laydown area has been allocated immediately to the eastern boundary of the site for the storage of materials and equipment.

The buildings will be constructed using traditional construction techniques including raft foundations, concrete retaining walls, steel framed superstructure, masonry and modular cladding components.

In terms of number of personnel this will involve 20 initially increasing to 51 at peak. The majority of which will come from other projects on site. There will also be some 30 support staff involved in the project during the construction period but the majority of these it is envisaged will be either working remotely or at Albion.

The bulk earthworks will involve the removal of some 8400 cubic metres of spoil from the site to facilitate the construction. The majority of this (8092 cubic metres) will be deposited on site. Off-site waste is estimated to be in the region of 601 cubic metres which will involve some 53 wagon movements on the public highway.

As regards concrete required for the main slab construction the project will use the on -site batching facility thus minimising impact on the road network except for the deliveries of raw materials to the site which are required to produce the concrete but these are estimated at less than the concrete vehicle trips required if of site concrete deliveries were required.

Consultation Responses

Ponsonby Parish Council - Support the application

The Parish Council are of the view this application is justified and have no objections to it being approved.

They requested further information on specific topics which are only addressed in general within the documentation supporting the application. Firstly, from the Construction method statement they note that the number of HGV movements on the A595 is relatively small

(approx 150) with no information provided on their scheduling. They seek assurance that the movements will be both timed and phased to minimise the impact on both the local roads infrastructure and local communities. Secondly, the construction environmental management plan is quite "light" on specific details. They also asked for information on the hours in which construction work will take place and the phasing and scheduling of those activities which are likely to give rise to the highest noise levels. They requested this information in order to monitor the impact on those members of our community living closest to the site.

The information was provided and the matter is addressed in the Assessment Section of the Report.

Seascale Parish Council

Whilst the Parish Council understand the purpose of this additional installation on the site they have serious concerns about the extra traffic. Mindful of Sellafield`s decision to reduce on-site parking, are aware of the problems caused by its staff and contractors indiscriminately parking in the surrounding villages.

Therefore, the Parish Council question if the extra vehicles would be parked on site? If not, it is of the opinion that a condition should be added ensuring formal parking arrangements are made for the additional staff.

This matter is addressed in the Assessment Section of the Report.

Beckermet with Thornhill Parish Council

No comments received.

Gosforth Parish Council

No objections.

Scientific Officer

No objections.

Considers that the construction and operation phases are unlikely to lead to nuisance and the Construction Environmental Management Plan seems reasonable.

The Design and Assess Statement notes that the development is in an area originally occupied by offices and labs but given the industrial nature of the Sellafield site there is the potential for contamination to be present. As such he recommends including the agreed Sellafield contaminated land informative.

Flood and Coastal Defence Engineer

No comments.

Cumbria County Council, Highway Authority and Local Lead Flood Authority

No objections subject to conditions

Initially had concerns and requested further information and clarification regarding surface water drainage. Following negotiations these were resolved. The LLFA added the following commented that they were disappointed that attenuation of surface water will not be provided due to cost and maintenance implications, however the applicant has demonstrated that there is no increased risk of flooding to the drainage system and surrounding area through this development, therefore the proposed drainage scheme is acceptable under NPPF & NPPG.

Furthermore it is understood a maintenance schedule will be produced by the local Site Drainage Engineer upon completion of the project and given the rigorous safety considerations for the site which will be implemented upon the building becoming operational.

The LLFA has no further objections subject to a condition governing the surface water drainage scheme being applied

Cumbria County Council – Emergency Planning

No objections.

Environment Agency

No objection subject to a condition regarding contamination.

The previous use of the site presents some risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located upon a principal aquifer. The removal of 8400m3 of spoil will therefore be acceptable if a planning condition governing contamination if found to be present is included.

United Utilities

No objection

Initially requested pre-commencement condition regarding the provision and approval of a surface water management scheme which SL were reluctant to accede to. As well as a condition governing foul and surface water drainage being on separate systems. However, following negotiations UU have revised their response and now agree to remove both these conditions. They understand that the proposed building will connect to the existing foul & surface water system within the licensed Sellafield site, which ultimately discharge to the River Ehen and River Calder and not to the public sewerage system.

Highways England

No objection to the proposal.

Natural England

No objections

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Office for Nuclear Regulation (ONR)

No objection.

Does not advise against the development.

Public Representation

This application was advertised by way of site notice and press notice. No neighbour notifications were undertaken as there are no nearby neighbours likely to be affected. No responses have been received to date as a result of these advertisements.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013 – 2028 (CLP) (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER1 – Planning for the Nuclear Sector

Policy ER3 – Support Infrastructure for the Energy Coast

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Borough`s Landscapes

Development Management Policies (DMP)

Policy DM1 - Nuclear Related Development

Policy DM5 – Nuclear Sector Development at Sellafield and the LLWR at Drigg

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy DM22 – Accessible Developments

Policy DM24 – Development Proposal and Flood Risk

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 - Landscaping

Other Material Planning Considerations

National Planning Policy Framework (2019)

Planning Policy Guidance (NPPG)

Emerging Copeland Local Plan

Emerging Copeland Local Plan: The emerging Copeland Local Plan 2017-2035 has recently been subject to a Preferred Options Consultation which ended on 30th November 2020. The Preferred Options Consultation builds upon the completed Issues and Options Consultation which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

NDA Strategy (April 2016)

The Nuclear Decommissioning Authority is the body tasked with implementing Government Policy on higher activity radioactive waste and the low level waste strategy. It also has the role of ensuring that decommissioning of civil nuclear sites is undertaken in a safe secure and cost effective way. The NDA Strategy sets out the following mission `Deliver safe, sustainable and publicly acceptable solutions to the challenge of nuclear clean up and waste management`. It identifies five strategic themes; site decommissioning and remediation; spent fuel management; nuclear materials; integrated waste management and critical enablers.

It is recognised that this proposal for a new CNC operational hub will support the NDA`s mission for the site.

Sellafield Context Plan (April 2017)

Produced by Sellafield as an aid to Local Planning Authority understanding of the future development of the Sellafield Site. Covering the period 2017-2026, it provides a useful framework and shows the context within which development proposals form part of a logical and integrated overall land use for the site. It explains the changes and challenges the site faces and identifies the key drivers behind a significant construction programme. Although it has no formal planning status the document is considered relevant as it provides useful background enabling the understanding of the context of Sellafield applications.

Assessment

The application puts forward the case that a new operational unit for CNC building is compliant with national and local planning policies and that where there are potential impacts arising that these are minimal/ negligible and where appropriate can be reasonably mitigated.

Principle of Development

The Sellafield site is of national importance in its responsibility to ensure the safe and secure remediation, storage and reprocessing of nuclear material. The role of the CNC in assisting in the delivery of this is of paramount importance as it has a statutory duty to protect the site by providing a 24/7 armed policing response.

The significance of the Sellafield site is recognised in the CLP and there are specific policies relating to the site and nuclear development. The aim of those policies is summed up in the following extract `Developments contributing to the continuing future of the nuclear industry in Copeland, and which fall to the Council to determine using its development management powers, will be supported, provided that they are not unacceptably detrimental to the environment or infrastructure of the Borough, or to the welfare of its people. The Council will use its planning powers to secure maximum mitigation of, and where appropriate, compensation for unfavourable impacts` (Paragraph 4.2.3). National planning policy guidance contained in the NPPF is also supportive

The fundamental purpose of the proposed development is to enable the protection, safety and security of the Sellafield site. The proposal accords with the requirements of the relevant CLP nuclear development policies ST1, ER1 and DM1, as well as national guidance of the NPPF and as such the principle of development is considered acceptable

Need for the Facility

The need for the facility has been questioned in light of the new CNC training facility at Griffen Park, located immediately adjacent to the site. It had been understood from pre application discussions associated with the training facility that this was also to be used to provide the operational hub for the CNC. However, in practice it transpired that the location of the training facility was not suitable for this purpose and as a result the operational hub did not come to fruition. It was considered in hindsight that a new on-site facility would be more suitable from an operational point of view. Notwithstanding the above, it has been satisfactorily demonstrated via two detailed site visits and subsequent meetings that there is a genuine need for the new onsite facility.

Transport Impacts

There will inevitably be an increased level of traffic associated with the construction period of the proposed buildings. However, these will be temporary and will not have a significant impact, especially given the nature of the wider site. A Construction Method Statement, Transport and Waste Plan along with a Construction Environmental Management Plan have been prepared and submitted as part of the application pack.

In relation to operational traffic, the nature of the development proposed will not generate any significant adverse effects on network capacity either within the site or on the wider west Cumbria highway network.

It should be noted that workers (operational and construction) will access the development using the existing Sellafield access/ transport protocols.

Ponsonby and Seascale Parish Council`s raised particular issues regarding vehicle movements and working hours. In response SL provide the following information and assurances.

The numbers of HGV's supporting the construction of the proposed CNC Operational Unit will be relatively small in comparison to other larger projects on the Sellafield site. However, these HGV movements will still be subject to the same traffic management procedures that are applied to all HGV movements on and off the Sellafield Site i.e. the Sellafield Delivery Management System (DMS) will be used to schedule the deliveries through the site's Main Gate. Deliveries are usually scheduled between 0900 – 1500 hours specifically in order to reduce the impact on the local road network and to avoid rush hours. The exact timetabling and scheduling of the vehicle movements has not yet been programmed; however, we can confirm that the HGV deliveries will be scheduled in such a way that they will be 'spaced out' appropriately. Current plans indicate that:

- Ground works spoil removal will mainly be to CLESA (i.e. on site and therefore will not impact on the local road network) and should take place during Autumn 2021 through to Spring 2022
- The larger deliveries of construction materials will take place from approximately Spring 2022 through to Summer 2022

In both cases, the average number of vehicles per weekday (i.e. return trips to and from the site on Monday to Fridays only) is estimated to equate to less than one vehicle per day.

All other deliveries to support the construction site (e.g. for smaller items of plant) will be required, as stated above, to schedule a delivery timeslot via the DMS system and will normally take place outside rush hours. These deliveries are currently anticipated to take place between Autumn 2021 and Winter 2023.

Construction Workers

The construction workers will travel to and from the site in accordance with the details provided in Sellafield Ltd's Travel Plan 2020 i.e. mainly in works minibuses or buses. Also, as many of these workers already work on the site there should not be a noticeable increase in traffic as a consequence of this project.

It transpires that the number of new personnel vehicle trips will therefore be minimal and will not have a significant impact on the highway network.

Hours of Construction

The construction of the building will take place within the standard Sellafield site construction hours which are: Monday – Friday – 0700 – 1900 and Saturday 0700 – 1300. However, Saturday working would be by exception only and the project is currently scheduled for weekday working only.

This informs that the proposed development will not have a significant impact on the existing highway network in terms of both HGV and personnel movements. In terms of construction this project is of a relatively small scale in Sellafield terms. This satisfactorily aligns with CLP policies ST1, DM1, DM5 and DM22.

Parking

This issue was raised by Seascale Parish Council who also have concerns about the potential additional traffic created by the project during its operation and requested a planning condition governing the creation of additional parking. Regarding the operational phase of the development SL confirm that once the proposed CNC Operational Unit is in use there should not be any increase in traffic as the personnel using the facility will be relocated out of existing facilities on the site i.e. there will not be an increase in personnel as a consequence of CNC moving into the new facility.

In view of this it is not considered necessary impose a condition regarding the provision of parking as there will not be any additional staff as a result of the development.

Cumulative Impacts

The cumulative impact of additional construction / personnel traffic on the local highway network which arise directly or indirectly from the proposal are assessed as likely to be negligible.

As outlined in the above section, it is envisaged that a significant proportion of the workforce will come from existing personnel currently employed on construction projects across the Sellafield Site. As such the quantity of vehicles on the local highway is not expected to change significantly. During the peak of construction there is estimated to be 51 construction personnel working on the project site which, once Covid-19 arrangements have ceased, it is envisaged will commute to the site by bus. In relation to the supply of equipment, goods and raw materials, the development is also not of a significant scale.

The number of vehicle movements outlined above is relatively modest and demonstrates that it is unlikely to create any significant cumulative impacts on the local highway network

Noise

The Construction Environmental Management Plan (CEMP) submitted informs of the measures to control nuisance emanating from the development during the construction phase. This includes noise.

It advises that In order to minimise the potential impact from noise and vibration that certain mitigation measures be adopted such as no deliveries outside of working hours,

careful selection of working methods and programme, selection of quietest plant and machinery etc.

Ponsonby Parish Council requested further information on the detail in the CEMP regarding construction working and the phasing and scheduling of activities likely to give rise to the high noise levels that may affect the local community.

SL in response comment that the duration of the external works may generate some limited plant noise (e.g. by way of HGV movements) and is planned to start in autumn 2021 and continue through to Autumn/Winter 2022 when the building should become enclosed. Any fit-out works generating noise would be confined to inside the building and should have minimal impact outside.

The construction of the building adopts standard methods and is not reliant on specialised plant or equipment which would generate untypical amounts of noise disturbance beyond the site boundary.

Our Scientific Officer considers that the construction and operation phases are unlikely to lead to nuisance and the Construction Environmental Management Plan provided seems reasonable.

As a result of the above, it would appear that construction noise is unlikely to be a contentious issue but it should be noted that if noise nuisance were to arise there is separate environmental legislation available to deal with it.

<u>Contamination</u>

Concern has been expressed by both the Environment Agency and our Scientific Officer that there may be potential for contamination of groundwater arising from development of the site. CLP Policy ST1 Strategic Development Principles requires that all development minimises air, ground and water pollution.

The Design and Assess Statement submitted with the application notes that the development is in an area originally occupied by offices and laboratories, however given the industrial nature of the Sellafield site it is considered there is the potential for contamination to be present. To ensure this is adequately controlled our Scientific Officer recommends including the Sellafield contaminated land informative in any decision issued with which we concur.

The Environment Agency have reviewed the Contamination Assessments submitted and also consider that the previous use of the site presents some risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is located upon a principal aquifer. They accept removal of 8400m3 of spoil providing a planning condition is included requiring the stopping of work and the production of a remediation strategy if contamination is found to be present.

Flooding - Surface Water Drainage

This raises no contentious issues and there is no unacceptable risk of flooding emanating from the proposal. Initial concerns expressed by UU and LLFA have been addressed. It is considered that the proposal aligns with CLP Policy ENV1 Flood Risk and Risk Management which aims to ensure that new development does not contribute to increased flood risk as well as Policy DM24 Development Proposals and Flood Risk.

United Utilities initially requested pre-commencement conditions regarding foul and surface water drainage. Following the submission of additional information however they were satisfied that foul and surface water would not discharge to the public sewerage system and removed their request for conditions.

LLFA required further information and clarification. The FRA and the Overland Flow & Drainage Impact Assessment were provided. As regards a full maintenance schedule SL inform that this will be produced and undertaken by the Sellafield Drainage System Engineer upon completion of the detailed design. They point out that no elements of the scheme will be adopted by Cumbria County Council/United Utilities and that the Sellafield Nuclear Licensed site has its own environmental permit to manage and discharge surface water. LLFA are satisfied this information addresses their concerns and raise no objection subject to the imposition of a drainage condition.

Visual Impact

A Visual Impact Assessment has been submitted with the application and has been produced by SL`s project team. This illustrates diagrammatically the location of the proposed facility in relation to other buildings from viewpoints both within and outside the site.

It concludes that the proposed building mass, at two and a half storeys high at the highest point, is not dominant in any of the views assessed due to the fact that it is much smaller in scale than many of the surrounding buildings. And it takes advantage of the sloping nature of the site by being set into the embankment. The proposed external materials comprising mid to light grey cladding will also help assimilate its profile into its setting so that it discretely blends into its surroundings.

The visual impact of the proposed CNC Operational Unit as such is negligible and will not significantly affect the surrounding landscape when viewed from outside the Sellafield Site. This accords with CLP Policy ENV5 Protecting and Enhancing the Borough`s Landscapes and DM26 Landscaping.

Design

The proposed development has been designed with the principle objectives of safe and secure functionality so that it is fit for purpose. The appearance of the buildings and the choice of materials have been carefully considered to ensure they are visually unobtrusive and easy to maintain

The proposed buildings have been arranged practically within the available space, allowing for appropriate operational functionality and associated traffic and pedestrian flows.

The immediate and wider setting of the proposal site is, by its very nature, heavily industrialised and in this respect the proposed buildings are in-keeping in character with the existing Sellafield site.

In terms of materials, the buildings will be constructed using a combination of steel-frame, brickwork and steel coloured composite panelling. The light-mid grey appearance is the required colour for buildings on the Sellafield site for security reasons, with the main design criteria being to blend in with other newly constructed facilities.

Taking the above into account, it is considered that the design, layout and materials of the proposed building is sustainable, appropriate and accords with the requirements of CLP Policy DM10: Achieving Quality of Place.

Ecology

A Phase 1 Habitat Survey (and an Addendum) accompanies the application. This advises that the proposed development will not impact on any designated sites. It reveals that the main potential ecological constraint affecting the site is nesting birds and recommends that mitigation measures are employed to ensure the adverse risk remains as low as possible are employed. These include tool box talks for operatives, groundworks being undertaken outside the nesting season, ecological walkover prior to works starting and following `construction best practice`. It is proposed to protect the identified nature interests on the site that a condition be imposed to ensure the implementation of these measures. This aligns with CLP Policy ENV3 Biodiversity and Geodiversity which requires that any development incorporates measures to protect and enhance any biodiversity interest and Policy DM25 which seeks the protection of the biodiversity value of land and buildings in development proposals.

Benefits

It is important when assessing the proposal that benefits are taken into consideration. It is not disputed that there are likely to be significant benefits arising from this development both nationally and locally. The proposal will provide a state of the art modern centralised operational hub for the CNC which will enable the high standards of security of a national licensed nuclear site to be effectively maintained.

The Planning Balance

It has been demonstrated that the potential impacts arising from this development (i.e. contamination, surface water drainage and ecological) are not significant and where there is potential for them to arise they can be satisfactorily mitigated by appropriate conditions.

Taking this into account, it is considered that the benefits to be gained by approving the scheme far outweigh the likely harm to be created and thus sway the planning balance in favour of supporting the application subject to appropriate conditions to help reasonably mitigate any harm.

Conclusion

It has been demonstrated that the proposed development of an operational hub for CNC on the Sellafield licensed nuclear site is acceptable in planning terms. There is a genuine need for the proposal which is not disputed. It will not cause any significant harm and accords with all relevant policies in the CLP and national policies and guidance contained in the NPPF. The latter requires that without any material considerations indicating otherwise that the `presumption in favour of sustainable development` be implemented and for development proposals that where they accord with the development plan that they are approved without delay.

The development will contribute to the long term strategy for the future management of the Sellafield site as well assist in promoting the Borough as a Centre for Nuclear Excellence.

Recommendation:-

Approve, subject to the following conditions:

Conditions

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

   Reason

   To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: -

   Site Location Plan, drwg no. 1 BE 3009117, Mod A. scale 1:5000
   Proposed Site Plan, drwg no.1 BE 3009119, Mod B, scale 1:250.
   Existing Site Topographic Plan, drwg no. 1 BE 3009118, Mod A. scale 1:200.
   Proposed -4.00m Level Floor Plan (Lower Ground Floor Plan), drwg no.1 BE 3035267, Mod A scale 1:100
   Proposed -0.00m Level Floor Plan (Ground Floor Plan), drwg no.1 BE 3035268 Mod A, scale 1:100.
   Proposed +4.00m Level Floor Plan (First Floor Plan) drwg no.1 BE 3035269 Mod A, scale 1:100.
   Proposed Roof Plan, drwg no. 1 BE 3035270, Mod A, scale 1:100.
   Proposed Elevations Sheet 1 of 2, drwg no. 1 BE 3035271 Mod A, scale 1:100.
   Proposed Elevations Sheet 2 of 2, drwg no. 1 BE 3035272 Mod A, Scale 1:100.
   Proposed Garage and Kennel Plans & Elevations, drwg no. 1 BE 3035273 Mod A, Scale 1 :100.

Visual Impact Assessment, ref RP/3509968/CSA/00009
Planning Policy & Context, ref RP/3509968/CSA/00018
Construction Method Statement, Transport & Waste Plan, ref RP/3509968/CSA/00016
Construction Environmental Management Plan, ref RP/3509968/CSA/00011
Phase 1 Habitat Survey, ref RP/3509968/CSA/00015
Addendum to Phase 1 Habitat Survey, ref NFR/3509968/CSA/00013
Design and Access Statement, ref RP/3509968/CSA/00010

Confidential Plans & Documents

Confidential 3509968_3009117_A_Site Location Plan with Red Line Boundary.
Confidential RP/3509968/PROJ/00014 Geoenvironmental Desk Study – Phase 1 Report
Confidential RP/3509968/PROJ/00015 Contamination Assessment - Phase 2 Report
Confidential RP/3509968/PROJ/00015 Sheet 3 Addendum to Phase 2 Report
Confidential 0BE 2973195 G - CNC Site Investigation
Confidential 0BE 2991589 A CNC Site Investigation beyond red line
Confidential RA/3509968/CSA/00008, Rev 1, FRA by ISA (Infrastructure Strategic Alliance)/ Ove Arup & Partners Ltd. dated August 2020.
Confidential RP/3509968/CSA/00023, Rev B, Overland Flow & Drainage Impact Assessment Modelling Report, dated 28 May 2021.
Confidential 1 BE 3097643 Mod P1, Drainage Layout.

Reason

To conform to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Contamination

3. If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

Surface Water Drainage

4. The surface water drainage system shall be constructed in accordance with Plans 1 BE-3097643 Mod. P1, Drainage Layout and the principles detailed in Document RP/3509968/CSA/00023 Rev. B, dated 28 May 2021, Overland Flow and Drainage Impact Assessment Modelling Report and shall thereafter be maintained and managed for the lifetime of the development.

   Reason

   To secure proper drainage and to manage the risk of flooding and pollution.

Ecology

5. All of the recommendations set out in the Phase 1 Habitat Survey, by Sellafield Ltd, ref P/3509968/CSA/00015 shall be implemented.

   Reason

   To protect the ecological interests of the site and in particular nesting birds.

Environmental Impacts

6. The development shall be carried out in accordance with the requirements set out in the Construction Environmental Management Plan (CEMP) by WYG, reference A085430-39 V2, dated 23/02/2021.

   Reason

   To ensure adequate control and mitigation of environmental impacts during construction.

Informative – Characterisation of Waste

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation

and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with us as a hazardous waste producer. Refer to the hazardous waste pages on GOV.UK for more information.

Informative – Definition of Waste

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
We recommend that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

Informative – Contamination

The development shall be undertaken in accordance with the current Sellafield Ltd management procedures relating to Excavations, Contaminated Land and the Characterisation of material, facilities and wastes, as regulated by the Environment Agency and the Office for Nuclear Regulation. This is to ensure that risks from land contamination to the future users of the land are minimised, together with those to controlled waters and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers and other offsite receptors.

Informative - Water Supply

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website http://www.unitedutilities.com/builders-developers.aspx

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework